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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,059	07/21/2003	Douglas Paul Arduini		5168

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EXAMINER

SANDY, ROBERT JOHN

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,059

Applicant(s)

ARDUINI, DOUGLAS PAUL

Examiner

Robert J. Sandy

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 1-6 and 10 are objected to because of the following informalities:

In each of claims 1 through 6, recitation of the phrase "clip and clamp" is objected to because "clamp" is a double inclusion or "clip" defining the same disclosed subject matter.

Changing the phrase "clip and clamp" to "clip or clamp" would be advisable.

In claim 6 consists of two sentences, which is improper. For the purposes of this first action on the merits, the subject matter provided in the first sentence of claim 6 has been considered to define claim 6.

In claim 10, line 5, "claming" should be changed to - - clamping - -.

Appropriate correction of all of the above is required.

Specification

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to teach how to make and/or use the invention, i.e., failing to provide an enabling disclosure

The following is a quotation of 37 CFR 1.71(a)-(c):

(a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.

(b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

(c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

The specification is objected to under 37 CFR 1.71 because it fails to provide an enabling disclosure teaching how to make the claimed invention, as to the following:

The specification fails to provide an enabling disclosure teaching how to make the claimed clasp having “the dual crisscrossing legs are of various materials” (claim 5), and how the spring clip **“begins forming** into a long “U” shape loop, ... **then forming** slightly different lengths to each side of the first arm, **then each side be formed** at right angles . . . , **then** each end of the legs after passing slightly beyond the sides of the inner clamping arm **will be formed** at right angles . . .” (claim 6).

The claim subject matter pertaining to “the dual crisscrossing legs are of various materials” was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The written specification’s lack of providing an enabling disclosure describing and defining how the clip is made of “various material” to which the dual crisscrossing legs are made of.

The claimed subject matter pertaining to the spring clip **“begins forming** into a long “U” shape loop, ... **then forming** slightly different lengths to each side of the first arm, **then each side be formed** at right angles . . . , **then** each end of the legs after passing slightly beyond the sides of the inner clamping arm **will be formed** at right angles . . .” was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The language set forth in claim 6 is directed to a multipurpose spring clip that performs the series of steps mentioned above. However, the disclosure provides no enablement describing how the claimed spring clip is able to perform the claimed steps.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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Claims 5-10 are rejected under 35 U.S.C. 112, first paragraph, for the reasons set forth in the objection to the specification as failing to comply with the enablement requirement.

Concerning claim 5, the claim subject matter pertaining to "the dual crisscrossing legs are of various materials" was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claim is rejected in view of the written specification's lack of providing an enabling disclosure describing and defining the "various material" to which the dual crisscrossing legs are made of.

Concerning claims 6-10, the claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims are rejected in view of the written specification's lack of providing an enabling disclosure of how the spring clip "**begins forming** into a long "U" shape loop, ... **then forming** slightly different lengths to each side of the first arm, **then each side be formed** at right angles . . . , **then** each end of the legs after passing slightly beyond the sides of the inner clamping arm **will be formed** at right angles . . ." The language set forth in claim 6 is directed to a multipurpose spring clip that performs the series of steps mentioned above. Consequently, the disclosure provides no enablement describing how the claimed spring clip is able to perform the claimed steps.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 5-10, 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, as to the following:

In claim 2, line 2, there is no antecedent basis for "the upper and lower clamping arms"

In claim 5, line 6, recitation in the form of "clamping(s)" and "legs(s)" renders the claim(s) indefinite for not specifying the metes and bounds of the claim where the option to interpret "the clamping arm(s) or leg(s)" as '*the clamping arm or leg*', it is uncertain which one of the arms and legs is meant to be recited.

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In claim 5, recitation of "and in combination that perform as required for strength, rigidity, cost, to flex, to bend, to spring, or to grip to provide required operation and applications to the clamping arm(s) or legs(s)" is idiomatic and not understood.

In claim 6, bridging lines 3 and 4, there is no antecedent basis for "the first clamping arm" and "the inner clamping arm".

In claim 6, line 7, the term "each" is undefined.

In claim 7, line 2, recitation of "some other compliant and resilient spring-type material and/or shape" renders the claim indefinite since the claim does not define the "some other. . . material and shape."

In claim 9, line 2, recitation of "any other material" renders the claim indefinite since the claim does not define the "any other material."

In claim 12, bridging lines 2 and 3, recitation of "some other spring material and/or shape" renders the claim indefinite since the claim does not define the "some other spring material and shape."

In claim 13, line 2, there is no antecedent basis for "the lower or upper clamping arm or arms".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Steinberger (U. S. Patent No. 400,138). Steinberger ('138) discloses a multi-purpose spring clip and clamp (see Figures 1-6) formed with a continuous strand of resilient and compliant material (I.e., "spring-wire, *b*"; page 1, line 36) formed in such a way to provide dual crisscrossing spring-like legs (at *c*) interconnecting to dual clamping arms (*A*, *B*) that clamp material (*d*) between them with the ability to mitigate bending and torque stresses that tend to distort the clamping arms and therefore loose clamping pressure;

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(concerning claim 2, so far as definite) the upper and lower clamping arms are of various shapes and lengths and widths to provide optimum clamping force;

(concerning claim 3) the dual crisscrossing legs are of various shapes and lengths and widths to provide optimum clamping force;

(concerning claim 4) the dual crisscrossing legs connect to different materials (i.e. "papers *d*, and "tablet or . . . book *e*) or assemblies that act as an upper clamping arm and/or a lower clamping arm and/or other surfaces;

(concerning claim 5, as far as enabling and best understood) the dual crisscrossing legs are of various shapes;

(concerning claim 6, so far as enabling and best understood) the clip is formed of a continuous strand and endless loop of spring wire forming a long "U" shape loop (*A*) as a first inner clamping arm having formed of slightly different lengths to each side of the first arm, each side of the first arm being formed at right angles toward and crisscross passing each in a box form in the same relative parallel plane defined by the first arm and to act as dual crisscrossing connecting spring-like legs, then each end of the legs after slightly beyond the sides of the inner clamping arm being formed at right angles to form a second long "U" shape loop (*B*) with the remaining length of the endless continuous strand of wire;

(concerning claims 7 and 12, so far as definite) the spring wire is another shape;

(concerning claim 8) the dual clamping arms are of different widths or lengths or shapes for improved operation.;

(concerning claim 9, so far as definite) another material (tablet *e*) is clamped or clipped other than paper;

(concerning claims 10 and 13) one inner or outer clamping arm loop is part of a base or backing plate to act as a clip board or book binder or notebook binder or notepad (i.e. tablet *e*) and for various clamping applications; and

(concerning claim 11) multipurpose clamp or clip (see Figures 1-6) formed in such a way with a length of spring wire formed into dual crisscrossing spring-type legs that expand by the thickness of the paper or material being clamped or clipped and are connected to a lower clamping arm loop and also connected to an upper clamping arms, thereby providing continuous clamping pressure and mitigating bending and twisting distortion of the clamping arms.

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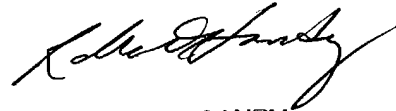
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 703-305-7413. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ROBERT J. SANDY
PRIMARY EXAMINER**

Robert J. Sandy
Primary Examiner
Art Unit 3677